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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/076,232

02/14/2002

Glen J. Anderson

P1846US01

2852

7590

12/27/2005

Attention: Kenneth J. Cool
GATEWAY, INC.
610 Gateway Drive, MD Y-04
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EXAMINER

BAYERL, RAYMOND J

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/076,232	Applicant(s) ANDERSON ET AL.	
	Examiner Raymond J. Bayerl	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 6, 8 - 18, 20 - 25, 27 - 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 - 18, 20 - 25, 27 - 28 is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 9 - 12, 29 - 31 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2173

1. Claims 4, 6, 9, 29 – 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrases “said defined relation” (claims 4, 6) and “the defined relation” (claim 9) lack clear antecedent basis, since parent claim 1 recites “a defined relationship [and not a ‘relation’] defined between the ports” instead.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 – 3, 5, 10 – 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Mano et al. (“Mano”; U.S. Patent Number 5,793,366).

Mano’s GRAPHICAL DISPLAY OF AN ANIMATED DATA STREAM BETWEEN DEVICES ON A BUS produces a series of illustrations in the operator interface of devices that are connected to a data processing system, as appear in figs 1 – 4. These show the data being transmitted from one device to another, and in so representing the utilization of the devices, are illustrative of a graphical user interface that is configured, based upon device utilization via a plurality of ports that have “a defined relationship defined between” them, as in the following comparison to those claims still rejected using this ground:

Concerning independent claim 1, Mano discloses “monitoring a plurality of ports included on the information handling system” (col. 3 lines 2-10);

“determining utilization by a utilization device of a port of the plurality of ports”, with “a plurality of utilization devices communicatively coupled to respective ports of the plurality of ports” (col. 3 lines 11-20); and

“configuring a user-interface operating on the information handling system based on the determined utilization by the devices of the ports of the plurality of ports” (col. 2 lines 60-62 & col. 3 lines 2-8). This interface shows an indication of a “defined relationship defined between the ports” as the visual indication that devices are connected. The “defined relationship” is membership in such a set of connected devices. In the alternative, a “defined relationship” exists, simply in the ports’ being connected within a single system, and thus having representations within Mano’s single display.

Regarding claim 2, Mano, by reporting differently for different devices, teaches “determining utilization by the device of the port”, “by determining which port of the plurality of ports to which the device is communicatively coupled” (col. 3 lines 20-31)—the Mano system, internally at least, will need to have this kind of recognition of the various “ports”, and thus have a determination of “which port” is in use.

As per claim 3, Mano’s device-specific display with animated content depicting data transfer has “configuring” that “includes arranging content displayed on a display device of the information handling system, the content corresponding to devices communicatively coupled to the ports in a manner corresponding to usage by the devices of the ports” (col. 3 lines 51-67 & Figure 4).

Concerning claim 5, Mano teaches that “the user-interface is arranged so that content corresponding to a first device and content corresponding to a second device is displayed based upon the ports utilized by the first device and the second device” (col. 5 lines 9-16 & col. 5 lines 25-35).

Regarding claim 10, Mano discloses “configuring the user interface based on an output device communicatively coupled to the information handling system” (Mano’s patent col. 4 lines 8-15).

As per claim 11, Mano discloses “configuring the user interface based on applications operating on the information handling system” (col. 4 line 64 –col. 5 line 1), since applications are needed to control the respective devices illustrated.

Regarding claim 12, Mano’s figs 1 – 4 show that “the monitored plurality of ports” can be seen as being “arranged in two groupings, the two groupings being utilized to configure the user interface” (col. 4 lines 39-41). Please note that the various devices can be organized, for example, into groups of audio and video components.

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mano in view of Tsai (“Tsai”; US #6,466,434 B1).

As per independent claim 31, which has similarity in many ways to claim 1 as discussed above, the Examiner had previously indicated the dependent claim 7 from which it is based to be allowable over the art of record. Upon careful consideration, however, the Examiner now notes that the location of the ports does not play a part in the configuring of the user-interface. It merely recites that the “ports” are “located on a front portion of a chassis” and “a rear portion of the chassis”.

However, it was known in the computing device art at the time of applicant's invention that "front" and "rear" portion connections could be made, relative to a "chassis". This is seen, for example, in Tsai, where in addition to the known positioning of the receptacles 21 of a USB port 16 of a mother board 15 of a personal computer 18 at the back of the computer case (col 1, lines 29 – 67; fig 2A), a USB hub is also integrated into its front panel (col 2, lines 12 – 30). These connections correspond to a "port located on a rear portion of a chassis" and one "located on a front portion", respectively.

Thus, it would have been obvious to a person having ordinary skill in the art at the time applicant's invention was made to use Mano's representation of the utilization of ports by devices, in a computing arrangement where the ports can be on the front and rear portions of the chassis as in Tsai, because this allows the user the greater connectivity access that Tsai demonstrates as being advantageous.

5. Applicant's arguments filed 27 October 2005 have been fully considered but they are not persuasive.

After discussing at pages 1 – 2 the examples of "a defined relationship between the ports" that appears within applicant's disclosure, and summarizing what is found in Mano at pages 2 – 3, applicant argues at page 3 that "there is no relationship whatsoever between the various devices shown in Figures 1-4 and the ports to which they are connected. The representation of the devices and their particular relationship, i.e., the order in which they appear, is essentially arbitrary and the display, i.e., the showing of the devices in Figures 1-4, is in no way dependent on any relationship

between the addresses at which the various devices are connected.” However, it remains that “a defined relationship between the ports” is at least indicated by Mano’s presenting a set of devices that are concurrently connected. This establishes a “relationship”, and the Examiner is unable to “read in” the details from the specification that applicant indicates as being examples of a “relationship”. Indeed, a relationship *per se* must of necessity occur between the ports in Mano, by their simply being connected in a single system and appearing in a single display for that system. It is noted that, where the claims actually **do** recite a more substantial port relationship, such as positioning or priority, as forming the basis for the display, a patentable distinction is made over Mano.

Regarding the Examiner’s interpretation of a “relationship” as being device-group membership, applicant argues at page 4 that “what is shown in Figures 1-4 is not a depiction of any relationship between a particular device and a particular port, and, moreover, showing whether a device is connected or not connected does not represent a defined relationship defined between ports”. However, a “relationship between a particular device and a particular port” does not actually appear in claim 1, and even if it did, there would remain an underlying reality that given ports in the system have given devices connected to them. Within the underlying set of “ports” in Mano, a “relationship” invariably exists, on the basis of whether devices are connected to them, and their being in the same system, and the “configuring” is “based on” this underlying reality—port utilization and relatedness of the ports.

Applicant also argues at page 4 that “the state of the connections of the devices (i.e., whether the devices are connected or not) cannot be read as both of the first and second bases claimed”, but what the Examiner in fact has said is that utilization of a port by a device in Mano is the first basis and the relatedness of ports within Mano by having devices connected to them is the second.

Concerning Tsai, applicant argues at page 4 that “the portions of the Tsai reference to which the Examiner refers, lines 29-67 of column 1 describe alternate embodiments wherein, in Figure 2A ‘series A receptacles are provided at the back of the computer case’ and Figure 2B wherein the ‘series A receptacles are provided at the front face of a fake disk drive in the computer case’”, and that “the connections described in connection with any one implementation (whether in connection with the prior art or the Tsai invention) do not correspond to a ‘port located on a rear portion of a chassis’ and a port ‘located on a front portion’”. However, the use of front- and rear-located ports remains shown by the Tsai reference, and the person having ordinary skill in the art would see this as being within the possibilities for connections in an arrangement such as Mano’s. Nothing in Tsai reasonably suggests that front and rear ports could not be used at the same time; the Examiner has relied upon Tsai to provide a showing that these two basic locations were known in the art at the time of applicant’s invention, for the placement of ports.

6. Claims 13 – 18, 20 – 25, 27 – 28 are allowable over the prior art now made of record.

The prior art of record does not teach or suggest a configuration including at least one of priority ordering or location indication of the ports, as in independent claims 13, 21, and more particularly, an arrangement based on priority alone (independent claim 28). The best prior art reference Mano, while showing a relationship between ports *per se*, does not teach or suggest a location- or priority-based ordering.

7. Claims 4, 6, 8, 9, 29 – 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and also with the antecedent basis problem corrected in claims 4, 6, 9.

As mentioned above, the best prior art reference Mano does not teach or suggest priority ordering as per claims 4, 6, 8, nor the possibility of “order of priority” or “port locations” (claim 9), since these aspects of the ports in Mano do not figure into the display that is produced. However, “configuring....based on...a defined relationship defined between the ports” *per se* continues to read upon the Mano display of variously-connected ports, with the identity of those connections being a “defined relationship” as noted above.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


Art Unit: 2173

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

21 December 2005